

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARLOS VALDEZ,

Defendant.

4:17CR3130

ORDER

Defendant's retained counsel, Timothy S. Noerrlinger, has moved to withdraw. (Filing No. 20). Defendant has moved to continue the pretrial motion deadline, (Filing No. 19), because his new counsel needs additional time to receive and review this case and confer with the defendant before deciding if pretrial motions should be filed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Timothy S. Noerrlinger's motion to withdraw, (Filing No. 20), is granted. Timothy S. Noerrlinger is hereby withdrawn as counsel, and shall promptly notify Defendant of the entry of this order.
- 2) The clerk shall delete Timothy S. Noerrlinger from any future ECF notifications herein.
- 3) Defendant's motion to continue, (Filing No. 19), is granted in part.
- 4) Pretrial motions and briefs shall be filed on or before February 5, 2018.
- 5) Trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on March 5, 2018, or as

soon thereafter as the case may be called, for a duration of three (3) trial days. Jury selection will be held at commencement of trial.

- 6) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and February 5, 2018 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

December 19, 2017.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge